

March 18, 2010

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

KATHERINE JOHNSON (CA SBN 259460)
CASPER J. RANKIN (CA SBN 249196)
JOSEPH C. DELMOTTE (CA SBN 259460)
PITE DUNCAN, LLP

Signed: March 16, 2010

4375 Jutland Drive, Suite 200
P.O. Box 17933
San Diego, CA 92177-0933
Telephone: (858) 750-7600
Facsimile: (619) 590-1385

LESLIE TCHAIKOVSKY
U.S. Bankruptcy Judge

Attorneys for BANK OF AMERICA, NA, AS SUCCESSOR BY MERGER TO LASALLE
BANK, NA, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR
STEARNS ASSET BACKED SECURITIES TRUST 2005-3, ASSET-BACKED
CERTIFICATES, SERIES 2005-3

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re

NICOLE CHRISTINA MCCONVILLE,

Case No. 09-71561

Chapter 7

R.S. No. CJR-603

ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY

DATE: March 05, 2010

TIME: 11:00AM

CTRM: 201

Northern District of California - Oakland
DivisionUnited States Bankruptcy Court
1300 Clay Street, Suite 300
Oakland, CA 94604-1426

Debtor(s).

The above-captioned matter came on for hearing on March 5, 2010, at 11:00 AM, in
Courtroom 201, upon the Motion of Bank of America, NA, as successor by merger to LaSalle
Bank, NA, as Trustee for certificateholders of Bear Stearns Asset Backed Securities Trust 2005-
3, Asset-Backed Certificates, Series 2005-3 ("Movant"), for relief from the automatic stay of 11
U.S.C. § 362, to enforce its interest in the property of Nicole Christina McConville ("Debtor")

commonly known as 2527 & 2529 Martin Luther King Jr. Way, Oakland, California 94612 (the "Real Property"), which is legally described as follows:

SEE LEGAL DESCRIPTION AS EXHIBIT FOR PROPOSED
ORDER GRANTING MOTION FOR RELIEF FROM
AUTOMATIC STAY, DOCKET NUMBER 61.

Appearances as noted on the record.

Based on the arguments of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED:

1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust, and pursuant to applicable state law;

2. Movant is authorized to foreclose its security interest in the Real Property under the terms of the Note and Deed of Trust, and pursuant to applicable state law;

3. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

4. Post-petition attorney's fees and costs for the within motion may be added to the outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

5. Upon foreclosure, in the event Debtor fails to vacate the Real Property, Movant may proceed in State Court for unlawful detainer pursuant to applicable state law;

6. Movant may offer and provide Debtor with information re: a potential Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement with Debtor. However, Movant may not enforce, or threaten to enforce, any personal liability against Debtor if Debtor's personal liability is discharged in this bankruptcy case; and

7. This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

** END OF ORDER **

COURT SERVICE LIST

Pite Duncan, LLP
4375 Jutland Drive, Suite 200
P.O. Box 17933
San Diego, CA 92177-0933

Nicole Christina McConville
37968 Canyon Heights Dr.
Fremont, CA 94536

Geva Baumer
Law Offices of Geva Baumer
405 14th St. #410
Oakland, CA 94612
Debtor Attorney

Tevis Thompson
P.O. Box 1110
Martinez, CA 94553
Chapter 7 Trustee

EMC Mortgage
c/o Managing or Servicing Agent
3415 Vision Dr
Columbus, OH 43219